

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SINGULAR COMPUTING LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

Civil Action No. 1:19-cv-12551-FDS

Hon. F. Dennis Saylor IV

**THIRD DECLARATION OF KEVIN GANNON IN SUPPORT OF  
PLAINTIFF’S MOTION FOR PARTIAL SUMMARY JUDGMENT OF VALIDITY  
BASED UPON *INTER PARTES* REVIEW ESTOPPEL  
UNDER 35 U.S.C. § 315(e)(2)**

I, Kevin Gannon, hereby declare as follows:

1. I am an attorney with the law firm Prince Lobel Tye LLP, attorneys for plaintiff, Singular Computing LLC (“Singular”), in this action. I submit this third declaration in support of Singular’s motion for partial summary judgment (“MPSJ”) of validity based upon *inter partes* review estoppel under 35 U.S.C. § 315(e)(2).

2. Attached hereto as Exhibit AA is a true and correct copy of excerpts from DiMarco and Speed, Litigating Invalidity After IPR Resolution, 19 Chicago-Kent J. of Intell. Prop. 266 at 270-72 (2020).

Executed at Boston, Massachusetts on January 20, 2023.

/s/ Kevin Gannon